

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SALEM MITCHELL

vs.

DOLGENCORP OF TEXAS, INC.

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CIVIL ACTION

NO. _____

JURY

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Dolgencorp of Texas, Inc. (“Dolgencorp”), the Defendant herein, respectfully submits the following notice of removal.

I.

1. Dolgencorp is the Defendant in litigation now pending in the 124th District Court of Gregg County, Texas, Cause No. 2022-42-B, styled “*Salem Mitchell v. Dolgencorp of Texas, Inc.*” The suit filed against Dolgencorp is a civil action seeking damages for an alleged personal injury arising from an alleged slip-and-fall that occurred on premises owned and operated by Defendant in Longview, Gregg County, Texas.

II.

2. Both at the time of the filing of Plaintiff’s Original Petition and at the time of the filing of this Notice of Removal, Plaintiff was, is, and continuously has been an individual citizen of the State of Texas with his place of residence in the state of Texas.

3. Both at the time of filing Plaintiff’s Original Petition and at the time of the filing of this Notice of Removal, Defendant Dolgencorp was, is, and continuously has been a corporation

organized and existing under the laws of the State of Kentucky and having its principal place of business in the State of Tennessee. Thus, Defendant is a corporate citizen of the states of Tennessee and Kentucky.

4. Accordingly, there is complete diversity of citizenship between the parties in this case.

III.

5. The amount in controversy in this matter, exclusive of interest and costs, exceeds the sum or value of \$75,000, as evidenced by the allegation in numbered paragraph 3 on page 1 of Plaintiff's Original Petition that, "Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00."

6. Plaintiff has filed this personal injury suit seeking damages for an injury he allegedly sustained due to an alleged slip-and-fall on Dolgencorp's premises on November 21, 2021.

7. In addition, Plaintiff alleges on page 3 of his Original Petition, ¶ 13, that as a result of the occurrence made the basis of this lawsuit, he "is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement; and
- e. Past lost wages and future loss of earning capacity."

8. Consequently, Defendant submit that it is apparent from the face of Plaintiff's Original Petition that the amount in controversy in this case is in excess of \$75,000.

IV.

9. For the reasons stated herein, this Court has jurisdiction and this action is properly removable based upon diversity of citizenship under 28 U.S.C. §1332, et seq. Pursuant to 28 U.S.C. § 1664, Defendant has removed this action to this Court within the time specified by law.

V.

10. Pursuant to Local Rule CV-81(c), attached hereto are (1) an index of all attached documents, (2) a list of all parties in the case, their party type and current status of the removed case (pending), (3) a certified copy of the Docket Sheet in the State Court action, (4) all pleadings (excluding discovery material) filed in the State Court action, Cause No. 2022-42-B, in the 124th District Court of Gregg County, Texas, (5) a complete list of all attorneys involved in the action, (6) a record of which parties have requested trial by jury, and (7) the name and address of the court from which the case has been removed.

PRAYER FOR RELIEF

Wherefore, premises considered, Defendant Dolgencorp of Texas, Inc. prays that the action now pending in the 124th District Court of Gregg County, Texas be removed to this, the United States District Court for the Eastern District of Texas, Tyler Division.

Respectfully submitted,

BY: 

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ATTORNEYS FOR DEFENDANT
DOLGENCORP OF TEXAS, INC.

CERTIFICATE OF SERVICE

On February 9, 2022, I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Eastern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).


MICHAEL A. HUMMERT